

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

JOHN THOMAS ENTLER,

Plaintiff,

vs.

DEBORAH CREELEY-LUKE and  
LYNN CLARK,

Defendants.

NO: CV-12-5120-JPH

ORDER ADOPTING REPORT AND  
RECOMMENDATION AND  
DISMISSING ACTION WITHOUT  
PREJUDICE

Magistrate Judge Hutton filed a Report and Recommendation, ECF No. 11, recommending Mr. Entler's request to Voluntarily Dismiss this action be granted. Defendants have not been served. There being no objections, the Court **ADOPTS** the Report and Recommendation. Plaintiff's Motion, ECF No. 10, is **GRANTED** and this action is **DISMISSED WITHOUT PREJUDICE**.

Although granted the opportunity to do so, Plaintiff did not file a separate Motion and Affidavit to waive the remaining balance of the filing fee as directed.

1 Therefore, Plaintiff still is obliged to pay the full filing fee for this action pursuant  
2 to 28 U.S.C. § 1915(b).

3 **IT IS SO ORDERED.** The District Court Executive is directed to enter this  
4 Order, enter judgment of dismissal without prejudice, forward a copy to Plaintiff,  
5 and close the file.

6 **DATED** this 27th day of February 2013.

7  
8 *s/ Rosanna Malouf Peterson*  
9 ROSANNA MALOUF PETERSON  
10 Chief United States District Court Judge  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20